IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 16305 of 2005

Between:

1. Vasamsetti Govindaraju, s/o Sriramulu,
2. Vasamsetti Venkataramana, s/o Sriramulu,
3. Khada Veerraju, s/o Buli Veeranna,

..... PETITIONERS

AND

1. The District Collector, East Godavari District, Kakinada.
2. The Revenue Divisional Officer, Rajahmundry,

East Godavari District.
3. The Mandal Revenue Officer, Kaipileswarapuram Mandal,

East Godavari District.

.....RESPONDENTS

Counsel for the Petitioner: MR.G.KRISHNA MURTHY
Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

Aggrieved by the action of the third respondent in acquiring the lands of the petitioners admeasuring Ac.0.52 cents, Ac.0.20 cents, Ac.0.10 cents, Ac.1.00 cents covered by S.No.13/2 and 13/1 of Nelaturu Village, Kapileswarapuram

Mandal, East Godavari District pending finalization of the proceedings under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (Act 9 of 1977), the present writ petition has been filed.

2. The facts go to show that the petitioners are the landless poor owning a small extent of Ac.0.52 cents, Ac.0.20 cents, Ac.0.10 cents, Ac.1.00 cents respectively covered by S.No.13/2 and 13/1 of Nelaturu Village, Kapileswarapuram Mandal, East Godavari District and purchased the same from their respective vendors. Since then they have been in possession and enjoyment of their respective extents and paying land revenue till the Government abolished the collection of land revenue from landless poor. Later, the District Collector, Kakinada by his proceedings No.Ref.B3 540/70, dated 14.05.1970, converted the lands covered by Survey Nos.13/1, 13/2 and 13/3 which are the subject lands into assessed waste dry from puntha poramboke for consequential assignment in favour of Sri J. Satyanarayana, Smt. Jasthi Bullemmayi and Sri N. Venkata Raju free of market value and the same was notified in the District Gazettee dated 31.03.1970, 22.04.1970 and 30.04.1970 after withdrawing the said land from the control of the Grampanchayat of Narsipudi. In pursuance of the said orders of the District Collector, the third respondent issued pattadar pass books in their favour under ROR Act.

3. The main grievance of the petitioners is that they were served with notices by the 3rd respondent issued under Rule 3 of Andhra Pradesh Assigned Lands (Prohibition of Transfer) Rules of 1977 (for short 'the Rules') Form-I, dated 26.02.2005 calling upon them to submit their objections and they submitted explanations to the said notice. The third respondent, without giving any notice and opportunity to the petitioners, passed a common order vide reference No. (B) 95/2005, dated 31.03.2005 rejecting their objections asked them to evict from their respective lands. Against the said order, they preferred separate appeals to the second respondent-Revenue Divisional Officer, Rajahmundry, East Godavari District, who is Appellate Authority under Section 4 (a) of the Act on 07.06.2005. After considering the said appeals, the second respondent remanded the matter to the third respondent for fresh enquiry by its common order D.Dis.No.D/2029/2005, dated 13.06.2005. Meanwhile, the impugned final notice came to be passed.

4. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the respondents. Perused the record.

5. I have gone through the material available on record. It seems that the petitioners were served with notices by the third respondent under Rule 3 of the Rules, 1977 in Form-I, dated 26.02.2005 calling for their objections and the petitioners submitted their objections. Having not satisfied with the said objections, the third respondent passed an order in his proceedings No. Ref. (B) 95/2005, dated 31.03.2005. Against the said order, the petitioners filed separate appeals before the second respondent and the second respondent after considering the said appeals remanded the matter to the third respondent for fresh consideration by a common order in D.Dis.No.2029/2005, dated 13.06.2005 and it is pending consideration before the third respondent.

6. In that view of the matter, when the matter is pending consideration before the third respondent as was remanded by the second respondent, I do not find any reason to entertain this writ petition as it is a pre-mature one, and therefore, the writ petition is not maintainable and is liable to be dismissed.

7. Accordingly, the writ petition is dismissed. No order as to costs.

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(ELIPE DHARMA RAO, J)

Date: 25.07.2005.

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